

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

**TEAMSTERS LOCAL 41 AFFILIATED
WITH THE INTERNATIONAL
BROTHERHOOD OF TEAMSTERS,**

Case No. 14-RC-136240

Petitioner,

and

SYSCO KANSAS CITY, INC.,

Employer.

**EMPLOYER'S REQUEST FOR REVIEW
OF A DECISION BY THE OFFICER IN CHARGE**

COMES NOW, the Employer, Sysco Kansas City, Inc., and requests that the Board review the Decision and Direction of Election in the above matter issued by the Officer in Charge of the Sub-Region 17 office in Overland Park, Kansas, on October 3, 2014, for the following reasons:

Invalid Decision

The D&DE was issued by the Officer in Charge of Region 14's Sub-Region 17 office in Overland Park, Kansas. The Employer understands that the Board has exercised its authority under Section 3(b) of the Act and has authorized Regional Directors to make determinations concerning the appropriateness of units. The D&DE in this case was not issued by a Regional Director but by an Officer in Charge. The Employer is not privy to any Board memorandum or ruling in which the Board has given authority to Officers in Charge to make unit determinations

and issue representation decisions. Therefore, the Officer in Charge's issuance of the D&DE is improper and is null and void, and the D&DE has no legal basis or effect.¹

Grounds for Review

The Employer avers that the Board should grant review of the D&DE because:

1. A substantial question of law or policy is raised (a) by the Officer in Charge's departure from the Board's findings in *Specialty Healthcare*² and *Macy's*³ or (b) by the absence of a clarifying ruling on the appropriateness of the unit in such situations;
2. The D&DE contains factual errors which are the basis for the Officer in Charge's decision and which prejudicially affect Sysco; and
3. There are compelling reasons to overturn or clarify *Specialty Healthcare* and *Macy's* if the Officer in Charge's unit determination is found to be in compliance with those rulings and is upheld.

Brief Factual Background

Sysco operates a warehouse facility in Olathe, Kansas, from which it delivers food products to customers located throughout Kansas and Missouri. Sysco receives food products from various vendors which are warehoused in its Olathe facility. The food products are delivered to the Olathe facility by the vendors or by Sysco route drivers who backhaul the products from vendors on their route delivery trucks. Once the products are delivered to the Olathe facility (which normally occurs during the day), Sysco's warehouse employees remove

¹ Even though Sysco believes the D&DE was not properly issued, Sysco will argue its case and position as if the D&DE was issued properly.

² *Specialty Healthcare & Rehabilitation Center of Mobile*, 357 NLRB No. 83 (2011).

³ *Macy's, Inc.*, 361 NLRB No. 4 (2014).

the food products from the vendor trailers and place the products in the warehouse. The removal and storage of the food products is normally performed by Sysco's day warehouse employees.

Once the food products are removed from the delivery trailers, the trailers are moved from the warehouse dock, and Sysco's equipment handlers (hostlers/fuelers) spot or stage Sysco delivery trailers at the Olathe facility dock (the same dock which is used to offload the vendor trailers). After the Sysco trailers are staged, a second group of Sysco warehouse employees "pick" the food products from the warehouse and place the products on the delivery trailers. This loading is usually performed at night by Sysco night warehouse employees. All food products delivered by all Sysco route drivers, no matter where based, are loaded on the delivery trucks at Sysco's Olathe facility.

Once the delivery trucks are loaded, the food products are delivered to the customers, who ordered the products, by route drivers. The great majority of the food products are delivered on trailers ranging from 28 to 48 feet in length, but a small number of products are delivered on vans by two route drivers who function as van delivery drivers. Sysco's equipment handlers "hook" the loaded trailers onto Sysco truck tractors. The route drivers, who are based on Olathe, drive the tractors and trailers on routes assigned out of Olathe.

Sysco has many customers and routes which are so far from Olathe that, as a practical matter, it does not make economic or time sense for Sysco to run the routes out of Olathe. To cover these outlying routes, Sysco has established ten domicile locations as follows: Columbia, Lake Ozark (Versailles), Springfield, and Joplin in Missouri and Wichita, Pratt, Russell, Manhattan, Salina, and Topeka in Kansas. In order to service customers in those locations, Sysco has established multiple routes from each domicile location, and route drivers who are based at each domicile run those routes. The delivery trailers used on the domicile routes are

delivered to the domiciles by shuttle drivers who are based at each domicile. The shuttle drivers deliver the empty trailers used on the domicile routes to Olathe and return from Olathe to the domiciles with the delivery trailers loaded with food products.

The Petitioned-For Unit

The Petitioner, Teamsters Local 41, affiliated with the International Brotherhood of Teamsters, filed this petition on September 8, 2014, requesting a unit of:

All full-time and regular part-time city drivers and helpers employed by the Employer from its facility located at 1915 E. Kansas City Road, Olathe, Kansas, but EXCLUDING all country drivers, office clerical employees, professional employees, managers, guards and supervisors as defined in the Act, and all other employees.

Board Exhibit No. 1(a). Sysco objects to this unit since the Petitioner has requested a unit which excludes 65% of Sysco's route drivers and 75% percent of Sysco's Transportation Department employees – units of Sysco which have employees who have an inseparable community of interest with employees in the petitioned-for unit. Sysco avers that the Officer in Charge erred when she approved and rubberstamped the petitioned-for unit as it is not appropriate under *Specialty Healthcare* or under any other standard set by the Board.

Specialty Healthcare

The Officer in Charge indicated that she was basing her decision finding a unit composed solely of “city drivers and helpers” appropriate under the standard established by the Board in *Specialty Healthcare* (and followed in *Macy's*). Sysco avers that the Office in Charge either misread or misapplied the standards set forth in *Specialty Healthcare* or both. In *Specialty Healthcare*, the Board ruled that if a unit petitioned for is composed of employees who are a readily identifiable group and who share a community of interest, the petitioned-for unit will be approved unless the party objecting to the unit shows that other employees share an

overwhelming community of interest with the petitioned-for employees as to require their inclusion in the unit. The Officer in Charge stated the right standard under *Specialty Healthcare*, but she failed to apply it correctly to the facts of this case.

The Basic Issue

Sysco runs two sets of delivery routes out of its Olathe facility. One set of routes, which are informally called “city” routes, cover the geographic area of Metro Kansas City (an approximate 50 mile radius from downtown Kansas City, Missouri). The other set of routes, informally referred to as “country” routes, cover the geographic area outside the Metro Kansas City area which is reasonably serviceable from the Olathe facility in approximately one day (up to approximately 200 miles from Olathe). Routes outside these two geographic areas are covered by route drivers who operate out of the domiciles.

The Metro Kansas City “city” routes and geographic limitations of those routes were initially set up by Mid Central Fish Company which was located in downtown Kansas City, Missouri, and which merged with Sysco in 1975 to form Mid Central Sysco. The route drivers employed by Mid Central Fish were represented by another Teamsters local, Local 955, and the driver unit was composed of all route drivers who were limited to delivering products within the Metro Kansas City area. In the mid 1980s, Mid Central Sysco moved from its downtown Kansas City facility, which it had outgrown, to the present facility in Olathe. After it moved to Olathe, Mid Central Sysco changed its name several times until the present name, Sysco Kansas City, Inc. Prior to the move to Olathe, Mid Central Sysco established additional delivery routes out of the downtown Kansas City facility which were outside the geographic limitations set by Mid Central Fish and codified in the collective bargaining agreements which covered the former Mid Central Fish drivers. When Sysco moved to its present Olathe facilities, the geographic route

structure, first established in downtown Kansas City, followed the move to Olathe and continued in Olathe as first established in downtown Kansas City. In collective bargaining agreements between Sysco and Local 955, the drivers who covered the former Mid Central Fish routes became identified as “city drivers” and the unrepresented drivers who covered routes outside the Metro Kansas City began to be identified as “country drivers.”⁴

For some reason not known now and not in the record, neither Teamsters Local 955 nor Sysco ever attempted to clarify the unit to include all Olathe route drivers. Apparently, both sides were satisfied with the arrangement which had come over to Olathe from downtown Kansas City, and neither filed a UC petition with the Region.

The Decertification of the Mid Central Fish Unit

In 2002, Sysco and Local 955 negotiated a new collective bargaining agreement which covered the period January 1, 2003 through January 1, 2009. The unit covered by that collective bargaining agreement was:

All full-time and regular part-time city drivers who are defined as those who make deliveries to customers within the geographic area of Greater Kansas City and its environs, including but not limited to Merriam, Overland Park, Leawood, Shawnee Mission, Fairway, Kansas City, Lenexa, Olathe, and Bonner Springs, are in Kansas; Independence, North Kansas City, Kansas City, Lees Summit, Grandview, Raytown, and Blue Springs are in Missouri but EXCLUDING all office clerical employees, professional employees, guards, and supervisors as defined in the Act and all other employees.

This is the same unit covered by the decertification petition in 17-RD-1768, Board Exhibit 3.

In 2008, after the three-year contract bar rule had expired, the drivers petitioned the Board to hold a decertification election which the Region did in May of 2008. The majority of city drivers did not vote for continued representation by Local 955, so Local 955 was decertified

⁴ Sysco does not agree with the use of the terms “city driver” and “country driver” since it has no such job classifications, but for purposes of this Request for Review, in order to simplify the identification of route drivers, Sysco will use the term “city driver” to describe those route drivers who run routes out of Olathe in Metro Kansas city and the term “country driver” to describe route drivers who run routes out of Olathe outside Metro Kansas City.

and the unit became unrepresented. The unit has remained unrepresented until the Petitioner filed its petition requesting that the Region hold an election among the city drivers and adding the classification of “helpers.”

Macy’s

When the Board decided *Macy’s* based on the standard it had established in *Specialty Healthcare*, it meticulously set forth reasons that the petitioned-for unit of cosmetics and fragrance employees comprised a readily-identifiable group and why the store, which took the position that an overall store unit or, in the alternative, all sales employees was the only appropriate unit, had failed to meet its burden of showing an overwhelming community of interest between the cosmetics and fragrance employees and the other store employees. The Board spent multiple pages of its decision pointing out what the cosmetic and fragrance employees sold, to whom they sold, where they sold, how much they earned, how they were hired, etc. and compared those factors to what the other store employees did. The Board concluded, after a thorough analysis of the factors, that the cosmetics and fragrance employees were a readily-identifiable group and that the store had not shown that “there ‘is no legitimate basis upon which to exclude’ the other store employees or store sales employees.” The Board concluded that the petitioned-for unit was appropriate.

The Officer in Charge’s Analysis

Unlike the Board in *Macy’s*, the Officer in Charge made no such meticulous analysis of the similarities and alleged differences between Sysco’s Olathe based city drivers and country drivers.

Readily-Identifiable.

The Officer in Charge found that “city drivers and helpers” “are readily identifiable as a group” D&DE at 3. The Officer in Charge apparently based this finding on her conclusion that “city driver” is recognized as a separate job classification by Sysco. This conclusion is erroneous and based on incorrect information. Sysco does not have or recognize any job classification of Olathe delivery drivers other than “route drivers,” and it specifically does not have a job classification of “city drivers.” Tr. 32.

Q Does Sysco have a job classification of city drivers?

A We have a driver classification. The only distinguished difference is a country driver will deliver in what we consider the country, the city driver would deliver in the city. This is the only – they do the exact same thing.

Tr. 65. The Officer in Charge apparently came to the conclusion that “city driver” is a separate job classification based on: (1) Sysco had a collective bargaining relationship with Teamsters Local 955 until 2008 in which the unit was described as “city drivers;” (2) the driver route sheets, Employer Exhibit 2, are headed “CITY DRIVERS” for the drivers who run the Metro Kansas City routes, (3) Sysco placed a piece of paper on a door saying “City Drivers” when announcing a meeting, and (4) witness Ryan Bleess identified himself as a “city driver” at the hearing. Sysco runs routes from twelve locations (two from Olathe and the rest from domicile location) which it identifies by the particular geographic location. Sysco does not consider any of the twelve geographic routes to be separate or identifiable as a separate group. Perhaps, the group could be identified as “city drivers” prior to 2008, but it is now 2014, and the pre-2008 bargaining unit no longer exists in fact or in practice.

The “Helpers.”

The Officer in Charge included the term “helpers” in the unit she found appropriate because the Petitioner’s petitioned-for unit included the term “helpers” in the inclusion. Driver helpers are drivers in training who are trying to obtain a commercial driver’s license (CDL) so that they can become route drivers and run routes for Sysco. The drivers in training ride with Sysco route drivers to learn how to operate Sysco’s equipment, to learn Sysco’s route structure, and to learn how to service Sysco’s customers. Since the drivers in training have permits which allow them to operate the truck and trailer when they are in the presence of a CDL-licensed driver, the drivers in training actually operate the equipment from time to time.

The Officer in Charge did not make any in-depth analysis of why helpers should be included in a “city driver” unit. Helpers ride Metro Kansas City routes because they are close to the Olathe facility and the transportation supervisors who are based there. There is no evidence that helpers are paid in the same manner as route drivers, and they are, in fact, not paid in the same manner. They do not have CDLs – all other Sysco drivers, including all other route drivers no matter where based, have CDLs. Helpers ride with drivers on Metro Kansas City routes, but they also ride with drivers on routes outside Metro Kansas City. Despite these major differences, the Officer in Charge included helpers and excluded all other route drivers despite the other drivers’ having a much stronger community of interest with the city drivers.

There is an Overwhelming Community of Interest Between “City” and “Country” Drivers

Sysco has consistently taken the position that “city drivers” alone is not an appropriate unit. Sysco does not agree with the standard the Board established in

Specialty Healthcare, but Sysco presented evidence at the hearing which clearly shows that the route drivers based in Olathe cannot be divided into separate units because they all do exactly the same thing at the same location. Allowing the division of the route drivers into two units makes no more sense than dividing Sysco's warehouse employees into two units because one group is referred to as "day warehouse" and the other as "night warehouse." According to *Webster's* "overwhelming" means "very great in number, effect, or force." Sysco more than met this definition when showing the community of interest between all Olathe route drivers, both city and country.

Similarities Between the Route Drivers – All the Same!

Set forth below is a chart showing the community of interest factors established at the hearing between city and country drivers.

<u>Factors</u>	<u>City Drivers</u>	<u>Country Drivers</u>
1. Pay	Paid by case, mile, etc.	Exactly the same
2 Benefits	Insurance, 401(k), vacation, holidays, etc.	Exactly the same
3. Supervision	Directly supervised by Olathe transportation supervisors – Creech, Winger, Sweeny & Feldon	Exactly the same
4. Equipment	Sysco truck tractors and trailers	Exactly the same
5. Where Loaded	Olathe warehouse dock	Exactly the same
6. Who Loads	Sysco Olathe warehouse employees	Exactly the same

7. What is Loaded	Food products warehoused at Olathe	Exactly the same
8. How Delivered	Sysco delivery trucks	Exactly the same
9. How Routes Established	Sysco router using Road Net	Exactly the same
10. Uniforms	Sysco uniforms	Exactly the same
11. Where Dispatched	Olathe drivers room	Exactly the same
12. Where Trained	Olathe facility & Olathe routes	Exactly the same
13. Length of Training	One week or more	Exactly the same
14. Work & Safety Rules	Apply to all Olathe employees	Exactly the same
15. Locker Facilities	Olathe facility	Exactly the same
16. Break Areas	Olathe facility	Exactly the same
17. Personnel Records	Olathe HR Department	Exactly the same
18. Pay Records	Olathe HR Department	Exactly the same
19. Where Report & Sign Out	Olathe drivers room	Exactly the same

These are the similarities. They are overwhelming even not taking into consideration the interchange between route drivers running Olathe routes in Metro Kansas City and outside Metro Kansas City.

The Officer in Charge disregarded the importance of the above factors and seized upon the following factors which she claims shows separate operations: (1) the drivers depart from the Olathe facility at different times – the Officer in Charge found that because of the length of their routes, “country drivers are primarily scheduled to depart the Employer’s facility well in advance of the time that city drivers are scheduled to arrive at the Olathe facility.” D&DE at 14

(emphasis added); (2) Sysco conducts two separate meetings for city and country drivers; (3) the routes for city drivers “are assigned primarily by routing clerk, Julie Zamor . . . and country routes are assigned by routing supervisor, McAlarney and routing clerk Zamor.” D&DE at 6 & 7; (4) city drivers are paid differently because different mileage bands apply to the city and country road structures; and (5) city and country route drivers have separate seniority lists for vacations and job openings.

When compared to the similarities found in the above chart, these factors pale in comparison. Starting times: Employer’s Exhibit 2 shows that starting times for all routes – city, country (identified in the document as “Olathe” routes), Pratt, Russell, etc. Page 1 of Employer’s Exhibit 2 shows starting times for country routes for the week of September 27, 2014, and it indicates that the routes started from 3:00 a.m. to 5:00 a.m. with 4:30 a.m. being the most prevalent start time. Page 5 of the Exhibit shows starting times for city drivers from 2:00 a.m. to 7:00 a.m. with a 5:30 a.m. starting time predominating. The Officer in Charge describes the 3:00 a.m. to 5:00 a.m. starting time for country drivers to be “well in advance” of the 2:00 a.m. to 7:00 a.m. starting time of the city drivers.

Separate Meetings:

Sysco normally holds two meetings for Olathe drivers – one at 4:30 a.m. and one at 5:30 a.m. Country drivers usually attend the earlier meeting, and city drivers the latter. Olathe drivers can attend either meeting as confirmed by witness Bleess. Tr. 265.

Preparation and Assignment of Routes:

Record evidence is that there is absolutely no difference in how the routes of various drivers are prepared and assigned:

Q With respect to Mr. McAlarney, the routing that he does is – well, let me ask it this way. Mr. McAlarney deals more specifically with the country routes in terms of actually setting up the routes, isn't that correct?

A No. It's not.

Q Now Ms. Zamor, isn't it correct that she handles the city routes?

A No.

Q No?

A That is not true.

Q Okay. How is the breakdown of city routes and country routes taken care of then?

A All standard routes are set by Ian [Mr. McAlarney].

Tr. 108.

Mileage Bands:

Because of traffic congestion in Metro Kansas City, city drivers are paid on mileage bands which provides slightly more pay per mile than the country drivers. The amount of the mileage pay is infinitesimally-small compared to the route drivers' main pay which is exactly the same for all route drivers.

Seniority List:

Sysco maintains separate lists for city and country drivers which applies to the scheduling of vacations. Seniority does not determine who will be awarded any open route, but it is considered. Tr. 129.

The chart shows nearly twenty very-important similarities (community of interest). The Officer in Charge seized upon five supposed differences and decided that those factors trump the other similar factors and found there is not an overwhelmingly community of interest between the city and country drivers. If a MLB team beat another one by the score of 19 to 5, it would be

considered an overwhelming victory. It is submitted that the Officer in Charge has set a definition of “overwhelming” so high that it will be impossible for any party opposing a petitioned-for unit to meet her definition and standard.

A City Driver-Only Unit is a ‘Fractured’ Unit

The Board does not permit “factured” units which the Board defines as follows: “A unit is ‘fractured’ when it is an ‘arbitrary segment’ of what would be an appropriate unit, or is a combination of employees for which there is ‘no rational basis.’” *Macy’s*, 361 NLRB at 16 citing *Wheeling Island Gaming*, 355 NLRB 637 (2010). The petitioned-for unit in this matter is clearly fractured, and it fails this test totally and completely. There is no distinction between the city drivers and the country drivers other than the informal identification given to both Olathe groups because of the geographic areas they cover (and to the other route delivery drivers who work out of the domiciles). The selecting out of the drivers and helpers who cover city routes is arbitrary, and there is no rational basis for not including all Olathe-based drivers and helpers.

There is Significant Interchange and Transfer Between the Olathe Drivers

Interchange between city drivers and country drivers is routine and significant as shown by Employer’s Exhibit 5 (1-34). When route drivers report in the morning to the Olathe facility, they may be assigned to either a city or a country route. Employer’s Exhibit 5 shows that during the period May 1, 2014, through the middle of September, 2014, there were 34 examples of where drivers interchanged between city, country, and domicile routes with most examples’ being between city and country routes. Likewise, helpers are routinely assigned to both city and country routes. Witness Bleess testified that he is a “city” driver and that when he has reported

to work, he has been assigned country routes. Tr. 207-209. Employer Exhibit 5 shows that interchange between the city routes and country routes is not isolated but routine in nature. Because the route drivers perform the exact same function, it is easy for Sysco to interchange the drivers even though Sysco prefers using “city” drivers on Metro Kansas City routes and “country” drivers on Olathe routes outside of the Metro Kansas City because, as a practical matter, each unit of drivers is more familiar with those routes to which the drivers are normally assigned and the customers who are on them.

Sysco has Met its Burden of Showing by Overwhelming Evidence that the Petitioned-For Unit is Not Appropriate.

Sysco has shown that a unit consisting of only city drivers and helpers is not appropriate under any test or standard the Board has ever used or followed. Under traditional community of interest factors, such a fractured unit as the Petitioner is requesting is not appropriate. Under the Board’s *Specialty Healthcare* standard, a unit, which includes less than 35% of the employees -- who are in the same job classification, who have the same pay and benefits, and whose working conditions are exactly the same -- and working for the same employer, is not appropriate. If the Petitioner has shown that a unit consisting of city drivers and helpers only is appropriate, then Sysco has more than met its burden of showing by overwhelming evidence that additional Sysco employees must be added to the petitioned-for unit.

An Overall Transportation Department Unit is the only Appropriate Unit.

Once Sysco met its *Specialty Healthcare* burden a showing by overwhelming evidence that the petitioned-for unit is not appropriate, then the standard for showing the actual appropriate unit should revert to the factors that the Board has historically reviewed in

determining appropriate units. The Officer in Charge did not follow this procedure, however, and she required Sysco to continue to carry the burden of showing by overwhelming evidence that the other Transportation Department employees should also be included in the appropriate unit. Here again, this is an impossible burden for an party opposing a petitioned-for unit to meet.

If *Specialty Healthcare* did not exist and the Board followed its historic indicia in finding and establishing appropriate units, the appropriate unit in this case would be:

All full-time and regular part-time employees employed by the Employer in its Transportation Department at its facilities located in Olathe, Wichita, Pratt, Russell, Salina, Manhattan, and Topeka, Kansas, and in Columbia, Lake Ozark (Versailles), Springfield, and Joplin, Missouri, including all delivery route drivers, shuttle drivers, fleet mechanics, and equipment handlers (fueler/hostlers).

All of these employees are under the same supervision (the Director of Transportation); all receive the same benefits; and all perform jobs tasks which result in the delivery of food products to Sysco's customers. Even though some of the employees in the Transportation Department are paid differently (they receive a flat hourly rate with no incentive), this factor alone is not controlling because of the other strong community of interest factors which inseparably bind all employees in the Transportation Department.

In the alternative, Sysco asserts that a company-wide driver unit including all route delivery drivers employed at the Olathe and the ten domicile locations plus the shuttle drivers is the appropriate unit. The delivery route drivers and the shuttle drivers are under the same direct supervision from Transportation Department supervisors based in either Olathe, Wichita, or Springfield. The Wichita and Springfield supervisors directly supervise delivery route drivers at domiciles in their geographic areas, and the delivery route drivers in Columbia, Topeka, and Manhattan are directly supervised by Olathe-based supervisors who also directly supervise Olathe-based drivers (both city and county routes). All delivery route drivers, regardless of

where based, enjoy the same pay, same benefits, etc. as set forth in the chart except check-in room, break, lunch, and locker facilities which are only located at the Olathe facility. All the other factors are exactly the same. The shuttle drivers are paid on an hourly pay basis with no incentive, but all other factors are the same. Shuttle drivers are essential to the work of the domicile drivers who are based at the ten domicile areas because the delivery drivers could not perform their jobs without the trailers which are delivered to them by the shuttle drivers.

**There is Significant Interchange and Transfer
Between Employees in the Transportation Department.**

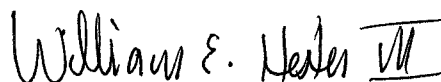
Not only is the pay very similar and the benefits exactly the same among all employees in the Transportation Department, interchange and transfer between the various job classification in the department is routine and not isolated. For instance, the head of Fleet Maintenance, Jerry Steele, was a route delivery driver before he moved into Fleet Maintenance. Those mechanics in Fleet Maintenance, who have CDLs, have been used as delivery drivers when necessary. All newly-hired route delivery drivers, regardless of where based, spend a minimum of a week in Olathe training in the Olathe facility and on city routes because of the direct supervision available from Transportation Department supervisors who are based in Olathe. Olathe-based drivers, both city route and country route, have been used to cover routes which run out of the domiciles, and one city-route driver covered a Columbia route for two weeks earlier this year. Domicile drivers have been brought into Olathe to cover both city and country routes. Here again, as a practical matter, Sysco does not make a daily habit of using domicile drivers on Olathe routes or vice versa because of the expense associated with transporting the drivers from one location to another, but since all route delivery drivers, no matter where based, perform the same functions using the same equipment, any route delivery driver can cover any route no

matter where the driver is based and no matter where the route is located. This functional integration means that no part of the Transportation Department or any driver base (domicile) can function independently of the other parts of the Transportation Department or other driver bases. If one cog is missing, the entire structure fails, and Sysco cannot meet its goal and obligation of serving all of its customers with the food products they have ordered on a timely basis.

Conclusion

The petitioned-for unit is not appropriate, and Sysco has met its burden of showing by overwhelming evidence that it is not appropriate. Due to the strong community of interest among all employees in the Transportation Department, the appropriate unit in this matter must include all Transportation Department employees. If the Board does not find that an overall Transportation Department unit is appropriate, then, in the alternative, a driver-wide unit including all delivery route drivers and shuttle drivers is appropriate. Finally, if the Board finds that a driver-wide unit is not appropriate, then a unit of all Olathe-based delivery route drivers, including city drivers and country drivers plus helpers is the appropriate unit.

Respectfully submitted, this 17th day of October, 2014.



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Certificate of Service

I certify that on this 17th day of October, 2014, I served a copy of the Employer's Request for Review of a Decision by the Officer in Charge on the Petitioner's counsel of record by electronic mail as follows:

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